

**November 19, 2014**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, November 19, 2014 commencing at 10:40 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with Director Nunez being excused.

**DIRECTORS PRESENT:**

Lynden Gill-Chairman  
Leroy Mauch-Vice Chairman  
Melissa Esquibel-Secretary  
Wayne Whittaker-Treasurer  
Reeves Brown  
Jim Valliant

**DIRECTOR ABSENT:**

Anthony Nunez

**DISTRICT STAFF PRESENT:**

Jay Winner-General Manager  
Bill Hancock-Conservation Program Manager  
Jack Goble, P.E.-District Engineer  
Carla Aragon-Quezada-Office Manager  
Brenda Fillmore-Finance/Water  
Bart Mendenhall-Attorney  
Peter Nichols-Attorney

**MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:**

Director Mauch moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Whittaker. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Esquibel moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:40A.M., seconded by Director Brown. Motion unanimously carried.

**INTRODUCTION OF VISITORS:** Chairman Gill welcomed each of the visitors to the meeting, asked them to introduce themselves and identify the organization which they represent.

**VISITORS PRESENT:**

Roy Vaughn, BOR; Doris Morgan, Congressman Gardner's Office; Lane Simmons, CSU-AVRC; Lorenz Sutherland, Chair of ARBWF; Jack Goble, P.E., LAVWCD; Bill Hancock, LAVWCD; Gary Barber, Colorado Springs; Roger Ortiz, USGS; Merv Bennett, CSU; Gary Bostrom, CSU; Mark Pifher, CSU; John Schweizer, Super Ditch; Chris Woodka, Pueblo Chieftain; Bette McFarren, La Junta Tribune; Monica Mendoza, The Gazette.

**APPROVAL OF MINUTES:**

- ❖ *September 17, 2014 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the September 17, 2014 Board meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for September 17, 2014, seconded by Director Brown. Motion unanimously carried.
- ❖ *September 17, 2014 Work Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the September 17, 2014 Work Session meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for September 17, 2014, seconded by Director Brown. Motion unanimously carried.
- ❖ *October 2, 2014 Acquisition Work Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the October 2, 2014 Acquisition Work Session meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for October 2, 2014, seconded by Director Valliant. Motion unanimously carried.
- ❖ *Oct 7, 2014 Special Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the October 7, 2014 Special Work Session meeting and whether there were any corrections or additions. Director Valliant moved to approve the minutes for October 7, 2014, seconded by Director Esquibel. Motion unanimously carried.

**TREASURER'S REPORT:**

Chairman Gill reported that the financial report for the months of September and October were included in the Board's Monthly Meeting Packet. Director Whittaker reported September total revenues \$31,362.83 and total expenditures \$53,803.92 with total net <\$22,441.09>. Director Whittaker reported October total revenues \$42,558.97 and total expenditures \$236,755.61 with total net <\$194,196.64>. Director Whittaker moved to accept the September and October Financial Statements, seconded by Director Brown. Motion unanimously carried.

## **GM REPORT:**

General Manager Winner introduced Gary Bostrum, Colorado Springs Utilities (CSU). Mr. Bostrum then introduced Mr. Merv Bennett, who is Colorado Springs Councilman, utility board chairman. Mr. Bennett gave an update on the stormwater issue. He stated, "We're not going to give up, all we could do is move forward." He stated that Colorado Springs is in compliance with the 1041 permit, but they are also obligated to fund stormwater as well. Mr. Bennett pleaded for more time and cooperation.

General Manager Winner stated "I don't see us working together." He also said talks between the district and Colorado Springs on water issues ended shortly after SDS permits were issued.

Director Esquibel stated "we had a meeting (2) two years ago, and other than the dates, nothing has changed."

Chairman Gill said, "We're frustrated about to our limit!"

General Manager Winner introduced Roy Vaughn with the Bureau of Reclamation (BOR). Mr. Vaughn gave a power point presentation on the Reclamation Managing Water in the West as of November 17, 2014, which is attached to the minutes as **Exhibit A**.

Bill Hancock, Conservation Program Manager for LAVWCD presented a power point on a Conservation Easements on Ted Jason and Jennifer L Stites, which is attached to the minutes as **Exhibit B**.

## **COMMITTEE REPORTS:**

Personnel: None.

Acquisition: None.

Legal: None

## **BOARD ACTION:**

### **Resolution 2014-09**

Ted Jason and Jennifer L Stites have respectively proposed a conservation easement to be conveyed to the District in 2014, consisting 160 irrigated acres with 12 Highline Canal Company shares and 64 irrigated acres with 6 shares of Highline Canal Company, in Otero County, Colorado. Motion was made by Director Mauch, seconded by Director Brown, to adopt Resolution 14-09. Motion unanimously carried.

Director Esquibel moved to have Special Attorney Nichols send a draft to the City of Colorado Springs, State of Colorado, and U.S. Environmental Protection Agency (EPA) a 60 day notice of intent to sue the City for violation of its stormwater permit under the citizen suit provision for Federal Clean Water Act, seconded by Director Valliant. Motion unanimously carried.

Director Esquibel moved to amend the letter of intent to sue and add to that letter the 1041's, seconded by Director Brown. Motion unanimously carried.

Motion made by Director Brown to approve Catlin Pilot Project for (1) one year at \$150.00 per acre. The Town of Fowler will receive 125 acre feet. The town of Fountain and Security will receive 125 are feet. Total of 250 acre feet, seconded by Director Mauch. Director Whittaker abstained himself. Motion carried with a 5-0 Vote.

Special Attorney Nichols asking for permission to file an amicus brief in the Busk-Ivanhoe case because the decision contains an issue similar to the change on Larkspur Ditch, Director Whittaker made a motion to file seconded by Director Mauch. Motion unanimously carried.

**LEGAL REPORT:**

**Attorney Bart Mendenhall:** Attorney Mendenhall's stated that a copy of his legal report is attached to the minutes as **Exhibit B.**

Director Brown made a motion to authorize William (Bill) Hancock, conservation Program Manager, to sign the title issues on conservation easements, seconded by Director Valliant. Motion unanimously carried.

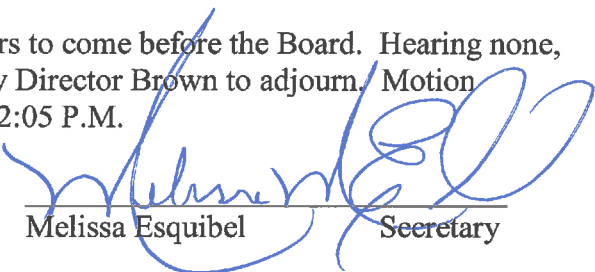
**Berg Hill Greenleaf & Ruscitti LLP Peter Nichols:** A copy of Attorney Nichols' legal report is attached to the minutes as **Exhibit C.**

**PUBLIC COMMENT:** None

**ADJOURNED:**

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Mauch, seconded by Director Brown to adjourn. Motion unanimously carried. Meeting was adjourned at 12:05 P.M.

  
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Lynden Gill Chairman

  
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Melissa Esquibel Secretary